

# Declaration and Power of Attorney Under 35 USC § 371 (c)(4) for PCT Application for United States Patent

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

## METHOD AND APPARATUS FOR THE SEPARATION OF TUBES

the specification of which:

(check one) : is attached hereto

9 was filed as a U.S. Application on \_\_\_\_\_, as  
Application Serial No. \_\_\_\_\_  
and was amended on \_\_\_\_\_  
(if applicable)

: was filed as a PCT international Application,  
Application Serial No. PCT/DE03/01594  
on May 17, 2003  
and was amended under Article 19 on \_\_\_\_\_  
(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56\*

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate on this invention were filed in countries foreign to the United States of America either (a) more than one year prior to my international application, or (b) before the filing date of the below-named foreign priority application(s) on which priority is claimed:

| Prior Foreign Application(s)   | priority<br>claimed |
|--|---------------------|
| <div style="display: flex; justify-content: space-between;"> <div style="width: 20%;"> <u>102 29 081.4</u><br/>(Number) </div> <div style="width: 20%;"> <u>Germany</u><br/>(Country) </div> <div style="width: 20%;"> <u>28/June/2002</u><br/>(Day/Month/Year Filed) </div> <div style="width: 20%; text-align: center;"> <u>X</u><br/>yes no </div> </div> |                     |
| <div style="display: flex; justify-content: space-between;"> <div style="width: 20%;">           _____<br/>(Number) </div> <div style="width: 20%;">           _____<br/>(Country) </div> <div style="width: 20%;">           _____<br/>(Day/Month/Year Filed) </div> <div style="width: 20%; text-align: center;">           _____<br/>yes no </div> </div> |                     |

I hereby claim the benefit under Title 35, United States Code, § 119 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No)

(Filing Date)

(Status: patented, pending, abandoned)

**POWER OF ATTORNEY**

As a named inventor(s), I/we hereby appoint the registered practitioners of McGuireWoods LLP included in the following customer number to prosecute this application and transact all business in the Patent and Trademark Office in connection therewith, and direct all correspondences be addressed to the customer number:

**CUSTOMER NUMBER: 23345**

All correspondence should be directed to Andrew M. Calderon, McGuireWoods LLP, 1750 Tysons Boulevard, Suite 1800, Tysons Corner, McLean, Virginia 22102-4215. Telephone calls should be directed to McGuireWoods LLP at (703) 712-5000.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Sole

or First Inventor: Rainer OEHLInventor's Signature: Rainer Oehl Date: 15.6.04Residence: Speicherwinkel 20, D-30938 Großburgwedel, GermanyCitizenship: German DEXPost Office Address: Same as above

Full Name of Second

Joint Inventor: Klaus BINDERInventor's Signature: Klaus Binder Date: 16.6.04Residence: Hindemithweg 8a, D-31157 Sarstedt, Germany DEXCitizenship: GermanPost Office Address: Same as above

30 Full Name of Third

Joint Inventor: Markus BERGER

Inventor's Signature: Markus Berger Date 18.06.2009

Residence: Müllinger Straße 5, D-31319 Sehnde, Germany DLX

Citizenship: German

Post Office Address: Same as above

\*Title 37, Code of Federal Regulations, § 1.56:

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith toward the Patent and Trademark Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and (1) it establishes, by itself or in combination with other information, a prima facie case of unpatentability; or (2) it refutes, or is inconsistent with, a position the applicant takes in: (i) opposing an argument of unpatentability relied on by the Office, or (ii) asserting an argument of patentability.

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